REMARKS

In the Office Action dated April 25, 2005, a restriction requirement was issued with respect to pending claims 1-38. Four inventions (Groups I, II, III, and IV) were identified in the restriction requirement. Applicant elects, _with_ traverse, the claims that are part of the invention of Group III, which was indicated by the Office Action as containing claims 13-19 and 21-26.

It is respectfully submitted that the restriction requirement issued against the claims of the present application is improper. There are two criteria for a proper requirement for restriction: (A) the inventions must be independent or distinct as claimed; and (B) there must be serious burden on the Examiner if restriction is required. M.P.E.P. § 803.01 (8th ed., Rev. 2), at 800-4. The basis for the restriction requirement of the present Office Action is that the inventions of Groups I, II, III, and IV are related as subcombinations that are separately usable. _See_ 4/25/2005 Office Action at 2-3 (citing M.P.E.P. § 806.05(d)). The Office Action asserted that the inventions are distinct based on different classifications for the different invention groups identified by the Office Action.

Applicant respectfully submits that the classifications provided in the Office Action with respect to the claims of the present application are incorrect. The claims of Group I (claims 1-11, 27-30) were classified in class 707, subclass 100. The definition of class 700, subclass 100, is "database schema or data structure." _See_ Manual of Patent Classification. The Manual of Patent Classification further indicates that class 700, subclass 100, pertains to "means or steps for organizing and inter-relating data or files, including relational, network, hierarchical, and entity-relationship models, among others." Independent claim 1 recites a computer-implemented method that includes assigning information stored on a computer a plurality of clearance levels; assigning each smart badge within a set of smart badges one of the clearance levels; using a wireless beacon to detect which smart badges are located within a predefined boundary; identifying a lowest clearance level assigned to the smart badges within the boundary; and providing access to that sub-set of the information having a clearance level no higher than the lowest identified clearance level. The subject matter of claim 1 is not properly classified in the "database schema or data structure" class and subclass (class 707, subclass 100). Nor is the subject matter of claim 1 related to "means or steps for organizing and inter-relating data or files, including relational, network, hierarchical, and entity-relationship models, among others," which

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is the further definition of class 707, subclass 100. Therefore, the classification of claim 1 and its dependent claims 2-11 and 27-30 in class 707, subclass 100, is erroneous.

The claims of Group III (claims 13-19, 21-26) were classified in class 707, subclass 5. The definition of class 707, subclass 5, is "query augmenting or refining (*e.g.*, inexact access)." *See* Manual of Patent Classification. The Manual of Patent Classification also indicates that class 707, subclass 5, relates to subject matter directed to methods of expanding or limiting access to and retrieval of data or files by techniques including fuzzy search, ranking or weighing, relevance, thesaurus, and concept retrieval. Independent claim 13 recites a computer-usable medium embodying computer program code for context-aware computer management that comprises: assigning database information a plurality of clearance levels; assigning each smart badge within a set of smart badges one of the clearance levels; using a wireless beacon to detect which smart badges are located within a predefined physical boundary; identifying a lowest clearance level assigned to the smart badges within the boundary; and providing access to that sub-set of the database information having a clearance level no higher than the lowest identified clearance level on a computer located within the predefined physical boundary. The recited subject matter of claim 13 is not related to "query augmenting or refining (*e.g.*, inexact access)," which is the definition of class 707, subclass 5. No augmenting or refining of queries is recited in claim 13.

Independent claim 21 (also indicated by the Office Action as belonging to Group III) is also similarly not related to "query augmenting or refining (*e.g.*, inexact access)." Thus, the classification of claims 13-19 and 21-26 in class 707, subclass 5, is erroneous.

Group IV (claims 31-38) was classified in class 707, subclass 200. Class 707, subclass 200, relates to "file or database maintenance," which pertains to "[s]ubject matter directed to generic data, files, and directory upkeeping, file naming, and file and database maintenance including integrity consideration, recovery, and versioning." *See* Manual of Patent Classification. Claim 31 is not properly classified in this class and subclass, as claim 31 is directed to storing plural sub-sets of information associated with one of plural clearance levels; using at least a first wireless beacon to communicate with plural badges within a predefined region, each of the plural badges associated with one of the plural clearance levels; determining a lowest clearance level from among the clearance levels associated with the badges in the predefined region; and providing access to one or more sub-sets of the information having one or

more respective clearance levels no higher than the determined lowest clearance level. The subject matter of claim 31 is not related to maintenance of files or databases. Independent claim 36 is similarly not related to class 707, subclass 200. Thus, the classification of claims 31-38 in class 707, subclass 200, is erroneous.

The Office Action further indicated that Group II (claims 12 and 20) is classified in class 715, subclass 511. Class 715, subclass 511, is defined as being "version management," which pertains to "[s]ubject matter wherein previous embodiments of documents are retained and organized through the use of various display attributes for the multiple embodiments." *See* Manual of Patent Classification. Claim 12 was improperly classified in this class and subclass, as claim 12 relates a method that includes assigning database information a plurality of clearance levels; assigning each smart badge within a set of smart badges one of the clearance levels; using a wireless beacon to detect which smart badges are located within a predefined physical boundary; identifying a lowest clearance level assigned to the smart badges within the boundary; providing access to that sub-set of the database information having a clearance level no higher than the lowest identified clearance level on a computer located within the predefined physical boundary; defining those smart badges within the boundary as a set of visible smart badges; updating the set of visible smart badges in response to a change in smart badge visibility status; and recalculating the lowest clearance level in response to the change in smart badge visibility status. The subject matter of claim 12 thus is not directed to "version management" that is related to using display attributes to organize documents, which is the definition of class 715, subclass 511.

Independent claim 20 is similarly not properly classified in this class and subclass.

In view of the improper classification by the Office Action of the claims of Groups I, II, III, and IV, Applicant respectfully submits that the Office Action has failed to establish criterion (A) for a restriction requirement.

Also, the Office Action has failed to establish criterion (B) of the restriction requirement. Due to the similar subject matter of all the claims, there would be no serious burden on the Examiner if the restriction was not required. Each of the independent claims of the present application are related to providing information having a plurality of clearance levels, providing each badge within a set of badges one of the clearance levels, using a wireless beacon to detect or communicate with badges within a boundary or predefined region, and providing access to

one or more subsets of information having a clearance level no higher than a lowest identified clearance level.

The fact that no serious burden exists is clearly illustrated by the fact that all previously pending claims were examined together without a restriction requirement. There has been three substantive Office Actions issued in this case, along with an Appeal Brief filed by Applicant. In the previous Office Actions, all the claims were examined together. In the latest Amendment filed by Applicant on January 4, 2005, minor amendments were made to independent claims 12, 13, 20, and 21. Yet, claims 12 and 20 are now identified as being part of Group II, and claims 13-19 and 21-26 are now identified as being part of Group III. The Examiner has already searched these claims previously, so that there can now be no serious burden on the Examiner to examine the claims of at least Groups II and III together.

Moreover, in view of the similar subject matter as indicated above of all the claims of the present application, clearly no serious burden would be placed on the Examiner to examine all claims (1-38) of the present application without the restriction requirement.

In view of the foregoing, withdrawal of the restriction requirement is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10005248-1).

Respectfully submitted,

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